

# **EXHIBIT 1**



Two Hopkins Plaza, Suite 1800  
Baltimore, Maryland 21201-2978

Telephone 410-244-7400  
Facsimile 410-244-7742

[www.venable.com](http://www.venable.com)

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Christina L. Gaarder

(410) 244-7638

[clgaarder@venable.com](mailto:clgaarder@venable.com)

October 30, 2007

Via E-Mail and US Mail

Ross W. Feinberg, Esquire  
Bruce G. Mayfield, Esquire  
Joseph Kaneda, Esquire  
Feinberg Grant Mayfield Kaneda & Litt, LLP  
2 San Joaquin Plaza, Suite 180  
Newport Beach, CA 92660

[rossFeinberg@feinberggrant.com](mailto:rossFeinberg@feinberggrant.com)  
[bruceMayfield@feinberggrant.com](mailto:bruceMayfield@feinberggrant.com)  
[josephKaneda@feinberggrant.com](mailto:josephKaneda@feinberggrant.com)

Re: In re Fosamax Products Liability Litigation (MDL-1789)  
Case Management Orders 3 and 8, Plaintiff Profile Form, and Authorizations  
*Carrie Smith, et al.* (07-CV-9564)

Dear Counsel:

Enclosed are copies of Case Management Orders 3 and 8 signed by Judge Keenan on 11/1/06 and 12/18/06, respectively, and a Plaintiff Profile Form that is applicable to all of your cases currently pending in the MDL-1789, *In re Fosamax Products Liability Litigation*. Also included as exhibits to the Plaintiff Profile Form (PPF) are the following Authorizations: a HIPAA compliant Authorization for Release of Medical and/or Dental Records (PPF Ex. A); a Department of Veterans Affairs Request For and Authorization to Release Medical Records or Health Information (PPF Ex. B); an Authorization for Release of Mental Health Records (PPF Ex. C); a Social Security Administration Consent for Release of Information, an Authorization for Release of Disability Insurance Records, and an Authorization for Release of Workers' Compensation Records (PPF Ex. D); a Request for Copy of Tax Return and an Authorization for Release of Department of Revenue Records (PPF Ex. E); a Request for Social Security Earnings Information (PPF Ex. F); an Authorization for Release of Employment Records (PPF Ex. G); a Request Pertaining to Military Records (PPF Ex. H); and an Authorization for Release of Health Insurance Records (PPF Ex. I). Please provide complete and accurate responses for each and every plaintiff you represent on separate profile forms, along with all completed authorizations that are applicable to each plaintiff. A list of the plaintiffs in the above-referenced case follows this letter. Your responses with regard to the above-referenced cases are due on **December 26, 2007**.



October 30, 2007

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**Please serve the completed Plaintiff Profile Form and all attachments, including the original signed Declarations and Records Authorizations, upon Christina L. Gaarder, Counsel for Merck, at the address shown above.** In addition, please serve copies of the completed Plaintiff Profile Forms and all attachments upon defense counsel of record in each applicable case.

If you have questions regarding this letter or its content, please contact Donna Bitzelberger, Plaintiff Profile Form Coordinator, by telephone at (410) 494-6287, or by e-mail at [dcbitzelberger@venable.com](mailto:dcbitzelberger@venable.com).

Very truly yours,

*/s/ Christina L. Gaarder*

Christina L. Gaarder

CLG:mdg

Enclosures

cc: Plaintiff Executive Committee (by US Mail)

William B. Curtis, Esquire (by E-Mail and US Mail)

Alexandra V. Boone, Esquire (by E-Mail and US Mail)

[bcurtis@mcwlawfirm.com](mailto:bcurtis@mcwlawfirm.com)

[aboone@mcwlawfirm.com](mailto:aboone@mcwlawfirm.com)



October 30, 2007

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***Carrie Smith, et al. v. Merck & Co., Inc., et al.***

1. Smith, Carrie
2. Paxton, Cora
3. Strange, Nilda
4. Massengill, Ellen
5. Creech, Peggy
6. Bentley, Mary
7. Friedman, Mary
8. Luzier, Ella
9. Grbac, Angelina
10. Richardson, Eileen
11. Nelson, Ann
12. Ballum, Patrice
13. Guemelata, Mary Ann
14. Tedford, Lauretta
15. Olson, Lee Ann
16. Scnhueler, Margaret
17. Rubenzer, Marilyn

# **EXHIBIT 2**



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Baltimore, Maryland 21201-2978

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Christina L. Gaarder

(410) 244-7638

[clgaarder@venable.com](mailto:clgaarder@venable.com)

January 2, 2007

Via E-Mail

Ross W. Feinberg, Esquire  
Bruce G. Mayfield, Esquire  
Joseph Kaneda, Esquire  
Feinberg Grant Mayfield Kaneda & Litt  
2 San Joaquin Plaza, Suite 180  
Newport Beach, CA 92660

[rossFeinberg@feinberggrant.com](mailto:rossFeinberg@feinberggrant.com)  
[bruceMayfield@feinberggrant.com](mailto:bruceMayfield@feinberggrant.com)  
[josephKaneda@feinberggrant.com](mailto:josephKaneda@feinberggrant.com)

Re: In re Fosamax Products Liability Litigation (MDL-1789)  
Plaintiff Profile Forms and Authorizations  
*Smith, Carrie; Creech, Peggy; Bentley, Mary; Friedman, Mary; Grbac, Angelina;*  
*Nelson, Ann; Ballum, Patrice; Guemelata, Mary Ann; Rubenzer, Marilyn*

Dear Counsel:

As of today, we have not received the Plaintiff Profile Forms in the above-referenced cases. Please advise if these Plaintiffs have decided not to submit forms and will be dismissing their actions. If not, we regard your failure to provide a PPF as a deficiency under Section 10.3 of CMO #3, which you have 30 days to correct. We expect to receive fully completed PPFs no later than 30 days from today, or we will move to dismiss these actions and/or seek other appropriate relief.

Thank you for your prompt attention to this matter.

Very truly yours,

/s/ Christina L. Gaarder

Christina L. Gaarder

CLG:ekc



**[DATE]**

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cc: Kathleen Hardway, Esq.

# EXHIBIT 3





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Baltimore, Maryland 21201-2978

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Christina L. Gaarder

(410) 244-7638

[clgaarder@venable.com](mailto:clgaarder@venable.com)

February 4, 2008

Via E-Mail

Ross W. Feinberg, Esquire  
Bruce G. Mayfield, Esquire  
Joseph Kaneda, Esquire  
Feinberg Grant Mayfield Kaneda & Litt  
2 San Joaquin Plaza, Suite 180  
Newport Beach, CA 92660

[rossFeinberg@feinberggrant.com](mailto:rossFeinberg@feinberggrant.com)  
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Re: In re Fosamax Products Liability Litigation (MDL-1789)  
Plaintiff Profile Forms and Authorizations  
*Smith, Carrie; Creech, Peggy; Bentley, Mary; Friedman, Mary; Grbac, Angelina;*  
*Nelson, Ann; Ballum, Patrice; Guemelata, Mary Ann; Rubenzer, Marilyn*

Dear Counsel:

On January 2, 2008, I wrote to advise that we had not received Plaintiff Profile Forms for your clients, and requested that you provide completed forms within 30-days, as required by CMO 3. This is to advise that unless within 15 days of today's date we receive accurate and fully completed PPFs for each of the plaintiffs above, Merck shall move to dismiss these cases on the basis of your clients' failure to comply with the Court's Order in this regard.

Thank you for your prompt attention to this matter.

Very truly yours,

/s/ Christina L. Gaarder

Christina L. Gaarder

CLG:ekc  
CC: Jennifer Larrabee